

REMARKS

Claims 23-107 are pending in the application.

Claims 23-107 stand rejected.

Claims 23, 37, 42, 44-45, 60, 65, 67-70, 74, 83-85, 87-91, 96-97 and 107 have been amended.

Claims 98-103 have been cancelled.

Rejection of Claims under 35 U.S.C. §112

Claims 23-36, 44, 65-67, 104, 105 and 107 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended claims 23, 42, 44, 65, 67 and 107 to address the Examiner's concerns, and so respectfully submit that claims 23-36, 44, 65-67, 104, 105 and 107 particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

With specific reference to claim 23, Applicants respectfully submit that the term "the media types" does indeed refer to the "plurality of media types". With specific reference to claim 44, Applicants respectfully submit that the term "any one of the media types" (as amended) refers to the "plurality of media types", of which the "one of a plurality of media types" is one. With specific reference to claim 65, Applicants respectfully submit that the term "any one of the media types" (as amended) refers to the "plurality of media types", of which the "one of a plurality of media types" is one. With specific reference to claim 67, Applicants respectfully submit that the term "any one of the media types" (as amended) refers to the

“plurality of media types”, of which the “one of a plurality of media types” is one. With specific reference to claim 107, Applicants respectfully submit that the term “the media type” (as amended) refers to the “media type” of claim 42. Applicants therefore respectfully submit that this rejection of claims 23-36, 44, 65-67, 104, 105 and 107 is overcome thereby.

Rejection of Claims under 35 U.S.C. §102

Claims 23-107 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Beck, et al., U.S. Patent No. 6,332,154 (Beck).

While not conceding that the cited reference qualifies as prior art, but instead to expedite prosecution, Applicants have chosen to respectfully disagree and traverse the rejection as follows. Applicants reserve the right, for example, in a continuing application, to establish that the cited reference, or other references cited now or hereafter, do not qualify as prior art as to an invention embodiment previously, currently, or subsequently claimed.

As will be appreciated, “[a] ... claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegall Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicants respectfully submit that the Office Action fails to meet the criteria thus set forth. Applicants’ reasoning as to these failings are now set forth.

In this regard, independent claim 23, as amended, now recites:

23. An apparatus comprising:

a communication server configured to

communicate with a communication channel by virtue of being configured to

process an incoming communication received from the communication

channel via a channel driver communicatively coupled to the

communication channel, wherein

the channel driver is configured according to a media type of the

communication channel,

the media type of the communication channel is one of a plurality

of media types, and

the channel driver is configured to communicate with any one of

the media types; and

cause an outgoing communication to be sent to the communication

channel, wherein

the communication server is further configured to communicate

independently of the media type of the communication

channel by virtue of being configured to communicate with

the communications channel via the channel driver.

As will be appreciated, amended independent claims 65, 88 and 96 recite, at least in part, substantially comparable limitations.

Independent claim 42, as amended, now recites:

42. A method for communicating using a communication channel comprising:
issuing a command to the communication channel, wherein
the issuing the command is performed by a channel driver,
the channel driver is configured to communicate with the communication channel
according to a media type of the communication channel,
the media type of the communication channel is one of a plurality of media types,
and
the channel driver is configured to communicate with any one of the media types.

As will be appreciated, amended independent claims 37, 45, 60, 68, 83 and 91 recite, at least in part, substantially comparable limitations.

Independent claim 44, as amended, now recites:

44. A method comprising:

receiving an event from a communication channel, wherein

the receiving is performed by a channel driver,

the channel driver is configured to communicate with the communication channel

according to a media type of the communication channel,

the media type of the communication channel is one of a plurality of media types,

and

the channel driver is configured to communicate with any one of the media types;

accessing a database to determine an event response to in response to the receiving of the

event, wherein

the accessing is performed by a communication server,

the communication server is configured to operate independently of the media

type by virtue of being configured to receive the event from the

communications channel via the channel driver; and

performing the event response under control of the communication server.

As will be appreciated, amended independent claims 67, 90 and 97 recite, at least in part, substantially comparable limitations.

By contrast to the foregoing, Beck, which is concerned with the provision of a media-independent self-help modules within a multimedia communication-center customer interface, discloses:

“[a] ... multimedia call center (MMCC) operating through an operating system, a client-specific self-help wizard is provided for active clients and updated periodically with information related to client transaction history with the MMCC. A connected client is presented by the wizard with a selective media function through which the client may select a media type for interaction and help, and the MMCC will then re-contact the client through the selected media. The client, for example, may select IP or COST telephony, and the MMCC will place a call to the client to a number or IP address listed for the client, and interactivity will then be through an interactive voice response unit. Help information specific to a client is updated in the client's wizard periodically according to ongoing transaction history with the MMCC. The wizard may also monitor client activity with the wizard and make reports available to various persons.” (Beck, Abstract)

As can clearly be seen, Beck fails to show, teach or even suggest, nor is Beck even concerned with, a system in which a channel driver allows a communication server to communicate with a communication channel in a manner that is independent of the media type of the communication channel by virtue of being configured to use the channel driver to communicate with the communication channel, where the media type of the communication

channel is one of a plurality of media types and the channel driver is configured to communicate with any of the media types. Applicants respectfully submit that the Office Action does not establish the presence of these limitations in Beck.

Many Citations Are Concerned with the *Customer* Side of the Invention Disclosed in Beck

Applicants' invention concerns the facilitation of the duties of an agent that performs their duties, for example, at an "in-house" call center (an "agent"). This agent performs their duties on the side of a communication system operated by an organization (e.g., that portion of a communication system for supporting customers, clients, donors or the like, run by a company providing services, merchandise, receiving donations, supporting a given cause and so on; the "agent side"), not the side of the communication system used by those seeking support, information and/or the like (e.g., customers, clients, donors or the like; the "customer side"). However, while some features of Beck are concerned with the agent side of such systems, many of the features of Beck are concerned with the customer side thereof. Thus, the combination of the various cited portions of Beck (and Beck generally) leads to two problems: (1) the features of Beck concerned with the customer side fail to teach elements concerning the agent side of such systems, as required by the independent claims, and (2) the various features of Beck (being from both the agent side and the customer side) cannot together teach any invention related to a single side of any sort of server, regardless of the functionality provided by the server in question.

Examples of portions of Beck concerned with the customer side are column 17, lines 22-40, and column 17, lines 40-52. There is at least one element of each of the independent claims, such that the cited features of Beck fail in this regard. For example, Beck discloses:

Section 137 presents media options for clients seeking customer service from the enterprise. These options are, in a preferred embodiment, presented in a customized or personalized fashion within *the client's window 133* as was described above. Therefore, each *client* patronizing the enterprise may access a version of window 133 that differs in look and functionality than that of another *client*. In this example, service section 137 contains options for e-mail, chat program, fax program, a self-help wizard, and a voice wizard. Other media types may be added or subtracted from *the client's window 133* depending on any of several criteria. Personalization of window 133 takes into account *client* information as stored in CINOS database 75, service-agent media availability and preferences, and perhaps any overriding enterprise rules. Unless and until a *client* is identified there are typically no options presented to the *client* for continuing a transaction with the enterprise. (Beck, column 17, lines 22-40.) (Emphasis Added.)

For an identified *client*, by selecting the e-mail option, the *client's* preferred e-mail program may be activated for the purpose of sending a message to or soliciting a reply from a service agent. By selecting chat program, the *client* may be launched into a scheduled service seminar featuring many *clients* interacting with a service expert regarding a certain subject. One enterprise rule regarding section 137 may be that there is no telephone or I-phone media option for customer service for a client in the absence of an ongoing project with the particular customer. In this sense an ongoing project includes any unfinished business that the *client* is involved in with the enterprise. (Beck, column 17, lines 40-52.) (Emphasis Added.)

It is clear from the italicized portions of these citations, referring to the *client* and *the client's window*, that these citations refer to the customer side of the invention disclosed in Beck, not the agent side (as in the claimed invention).

For at least these reasons the Applicants request that the Examiner withdraw this § 102 rejection of the independent claims.

Element of Issuing Command to *Outgoing* Channel Not Taught

Moreover, Beck fails to teach all the elements of the claimed invention notwithstanding the foregoing infirmities. Claims 23, 37, 42, 44-45, 60, 65, 67-68, 83, 88, 90-91 and 96-97 each recite a limitation that either explicitly or implicitly requires a channel driver (or comparable element) issue (or receive) a command (or event or their equivalents) to (or from) an *outgoing* (or *incoming*) communication channel. For example, the interface command module 341 discussed at column 48, lines 15-30 of Beck fails to teach such elements. To wit, the interface command module 341 interfaces with other CINOS systems and not to an *outgoing* (nor *incoming*) channel. Column 48, lines 15-30 of Beck states:

An interface command module 341 may be installed for the purpose of accomplishing an *interface to other CINOS systems such as routing, messaging, out-dialing, automated services, and so on*. A display function module 343 allows an interactive picture of the newly created thread, as organized and built via modules 339 and 337, to be displayed on a PC/VDU such as the researcher's PC 322. The display may, in one embodiment, appear as an actual tree or thread connecting various interactive icons representing dialog and associated hard media. In another embodiment, the display may be a simple list of interactive text titles. The nature of interaction with the display is such that by manipulating the interactive icons with a pointer device, or by entering certain keyboard commands, full text and hard media may be accessed and viewed by researcher 320 from PC 322. (Emphasis Added.)

For at least this reason Applicants' request that the Examiner withdraw this § 102 rejection against independent claims 23, 37, 42, 44-45, 60, 65, 67-68, 83, 88, 90-91 and 96-97

Thus, Applicants respectfully request the withdrawal of the § 102 rejection for at least the reason that many aspects of Beck are concerned with the customer side of the invention, while

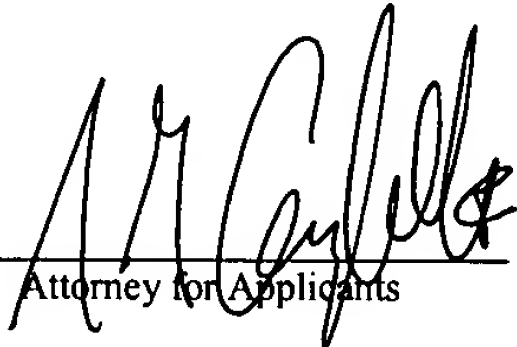
the claimed invention is directed solely to the agent side of such systems. Applicants further respectfully assert that many of the claims rejected in light of Beck are allowable for other infirmities of the disclosure of Beck.

For these reasons, Applicants respectfully submit that the Office Action fails to present a *prima facie* case of anticipation of independent claims 23, 37, 42, 44-45, 60, 65, 67-68, 83, 88, 90-91 and 96-97, and all claims dependent upon them, and that they are in condition for allowance. Applicants therefore request the Examiner's reconsideration of the rejection, and so withdrawal thereof, of those claims.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5084.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on **June 25, 2007**.

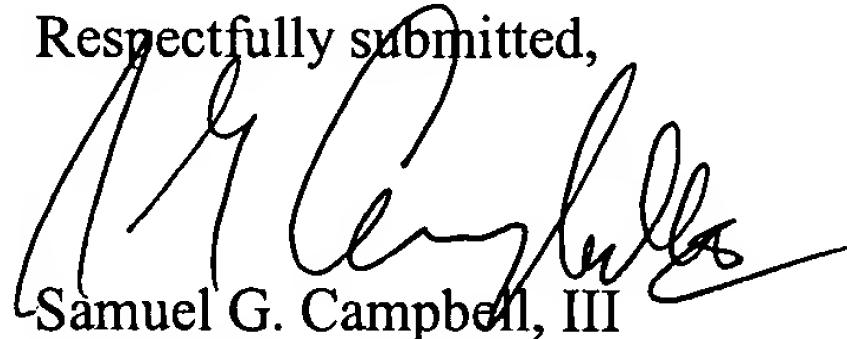


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6/25/07

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